

CHAPTER NO. 662

HOUSE BILL NO. 2212

By Representative David Davis

Substituted for: Senate Bill No. 2231

By Senator Jackson

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 27, relative to respiratory care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-27-102, is amended by adding the following language as new subdivision (7):

(7) "Respiratory care practitioner" means a registered respiratory therapist, a certified respiratory therapist, or a respiratory assistant licensed under this chapter.

SECTION 2. Tennessee Code Annotated, Section 63-27-105(b), is amended by deleting such subsection in its entirety and by substituting instead the following language:

(b)

(1) A person seeking licensure as a registered respiratory therapist or a certified respiratory therapist must be at least eighteen (18) years of age and of good moral character, must pay the required fees set by the board, and must meet the requirements of subdivisions (A) or (B) below:

(A) A person applying for licensure as a registered respiratory therapist shall provide evidence satisfactory to the board that such person has successfully completed a respiratory care educational program accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) in collaboration with the Committee on Accreditation for Respiratory Care (CoARC), or their successor organizations, and has successfully passed the National Board for Respiratory Care registry examination for advanced respiratory therapists; and

(B) A person applying for licensure as a certified respiratory therapist shall provide evidence satisfactory to the board that the person has successfully completed a respiratory care educational program accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) in collaboration with the Committee on Accreditation for Respiratory Care (CoARC), or their successor organizations, and has successfully passed the National Board for Respiratory Care certification examination for entry level respiratory therapists.

(2) After January 1, 2000, no person may be licensed as a respiratory assistant if that person has not been previously licensed as a respiratory assistant in Tennessee. However, persons who have been

licensed as respiratory assistants may continue to renew their licenses indefinitely so long as they meet all the requirements for renewal.

SECTION 3. Tennessee Code Annotated, Section 63-27-105, is amended by deleting the existing subsection (c) in its entirety and by adding the following as a new subsection (c):

(c)

(1) Each respiratory care practitioner licensed pursuant to this chapter shall biennially apply to the board for renewal of his or her license and shall pay a renewal fee set by the board. A respiratory care practitioner who fails to renew his or her license by the date of expiration of the license shall not continue to practice respiratory care in the state of Tennessee.

(2) A respiratory care practitioner who fails to timely renew his or her license may seek reinstatement of the license from the board. The board may reinstate the license upon good cause shown, upon payment of all past due renewal fees and a late renewal fee, and upon compliance with any other reasonable conditions imposed by the board.

SECTION 4. Tennessee Code Annotated, Section 63-27-112, is amended by adding the following language as new subsection (a) and by relettering the current subsections accordingly:

(a) The board has the power to impose any of the disciplinary sanctions set forth in this section whenever the licensee is found guilty of violating any of the provisions of this chapter or committing any of the following acts or offenses:

(1) Making false or misleading statements or committing fraud in procuring a license;

(2) Immoral, unethical, unprofessional or dishonorable conduct;

(3) Habitual intoxication or personal misuse of any drugs or the use of alcoholic beverages, narcotics, controlled substances or other drugs or stimulants in such manner as to adversely affect the person's ability to practice respiratory care;

(4) Conviction of a felony or of any offense involving moral turpitude or of any violation of the drug laws of this state or of the United States;

(5) Violation or attempted violation, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board or any criminal statute of this state;

(6) Gross malpractice, ignorance, negligence or incompetence in the course of professional practice;

(7) Making or signing in one's professional capacity any document that is known to be false at the time it is made or signed;

(8) Engaging in the practice of respiratory care when mentally or physically unable to safely do so;

(9) Making false statements or representations or being guilty of fraud or deceit in the practice of respiratory care;

(10) Having disciplinary action imposed by another state or territory of the United States for any acts or omissions which would constitute grounds for discipline of a person licensed to practice respiratory care in this state; provided, that a certified copy of the order or other document memorializing the disciplinary action by the other state or territory shall constitute prima facie evidence of a violation of this section; or

(11) Any other unprofessional or unethical conduct specified in the rules of the board.

SECTION 5. Tennessee Code Annotated, Section 63-27-112(b)(4), is amended by substituting the word "board" for the word "council".

SECTION 6. Tennessee Code Annotated, Section 63-27-113, is amended by deleting such section in its entirety and by substituting instead the following:
Section 63-27-113.

Any person currently licensed as a registered respiratory therapist who has not obtained the credential "Registered Respiratory Therapist (RRT)" from the National Board for Respiratory Care shall have until January 1, 2004, to obtain such credential in order to continue being licensed as a registered respiratory therapist in this state. If such person has not obtained such credential by January 1, 2004, such person's license shall be renewed as a certified respiratory therapist license when it is next renewed.

SECTION 7. Tennessee Code Annotated, Section 63-27-115, is amended by adding the word and punctuation "CRT," after the word "credentials" in subsection (1)(C), and is further amended by deleting the word "arterial" wherever it appears in the section.

SECTION 8. Tennessee Code Annotated, Section 63-27-116, is amended by deleting the language of subsection (a) and relettering the subsequent subsections accordingly, and is further amended by substituting the word "country" for the word "county" in subsection (c).

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 17, 2002




JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 24th day of April 2002



DON CONQUIST, GOVERNOR